



General Assembly

February Session, 2010

Raised Bill No. 5233

LCO No. 765

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Referred to Committee on Insurance and Real Estate

Introduced by:
(INS)

AN ACT CONCERNING INSURANCE COVERAGE AND CERTAIN LIQUOR LICENSES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 30-39 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) For the purposes of this section, the "filing date" of an application
4 means the date upon which the department, after approving the
5 application for processing, mails or otherwise delivers to the applicant
6 a placard containing such date.

7 (b) (1) Any person desiring a liquor permit or a renewal of such a
8 permit shall make a sworn application therefor to the Department of
9 Consumer Protection upon forms to be furnished by the department,
10 showing the name and address of the applicant and of the applicant's
11 backer, if any, the location of the club or place of business which is to
12 be operated under such permit and a financial statement setting forth
13 all elements and details of any business transactions connected with
14 the application. Such application shall include a detailed description of
15 the type of live entertainment that is to be provided and, if applicable,

16 a copy of the insurance policy or endorsement required by subsection
17 (f) of this section. A club or place of business shall be exempt from
18 providing such detailed description if the club or place of business (A)
19 was issued a liquor permit prior to October 1, 1993, and (B) has not
20 altered the type of entertainment provided. The application shall also
21 indicate any crimes of which the applicant or the applicant's backer
22 may have been convicted. Applicants shall submit documents
23 sufficient to establish that state and local building, fire and zoning
24 requirements and local ordinances concerning hours and days of sale
25 will be met, except that local building and zoning requirements and
26 local ordinances concerning hours and days of sale shall not apply to
27 any class of airport permit. The State Fire Marshal or the marshal's
28 certified designee shall be responsible for approving compliance with
29 the State Fire Code at Bradley International Airport. Any person
30 desiring a permit provided for in section 30-33b shall file a copy of
31 such person's license from the Division of Special Revenue or the
32 Gaming Policy Board with such application. The department may, at
33 its discretion, conduct an investigation to determine whether a permit
34 shall be issued to an applicant.

35 (2) The applicant shall pay to the department a nonrefundable
36 application fee, which fee shall be in addition to the fees prescribed in
37 this chapter for the permit sought. An application fee shall not be
38 charged for an application to renew a permit. The application fee shall
39 be in the amount of ten dollars for the filing of each application for a
40 permit by a charitable organization, including a nonprofit public
41 television corporation, a nonprofit golf tournament permit, a
42 temporary permit or a special club permit; and for all other permits in
43 the amount of one hundred dollars for the filing of an initial
44 application. Any permit issued shall be valid only for the purposes and
45 activities described in the application.

46 (3) The applicant, immediately after filing an application, shall give
47 notice thereof, with the name and residence of the permittee, the type
48 of permit applied for and the location of the place of business for

49 which such permit is to be issued and the type of live entertainment to
50 be provided, all in a form prescribed by the department, by publishing
51 the same in a newspaper having a circulation in the town in which the
52 place of business to be operated under such permit is to be located, at
53 least once a week for two successive weeks, the first publication to be
54 not more than seven days after the filing date of the application and
55 the last publication not more than fourteen days after the filing date of
56 the application. The applicant shall affix, and maintain in a legible
57 condition upon the outer door of the building wherein such place of
58 business is to be located and clearly visible from the public highway,
59 the placard provided by the department, not later than the day
60 following the receipt of the placard by the applicant. If such outer door
61 of such premises is so far from the public highway that such placard is
62 not clearly visible as provided, the department shall direct a suitable
63 method to notify the public of such application. When an application is
64 filed for any type of permit for a building that has not been
65 constructed, such applicant shall erect and maintain in a legible
66 condition a sign not less than six feet by four feet upon the site where
67 such place of business is to be located, instead of such placard upon
68 the outer door of the building. The sign shall set forth the type of
69 permit applied for and the name of the proposed permittee, shall be
70 clearly visible from the public highway and shall be so erected not
71 later than the day following the receipt of the placard. Such applicant
72 shall make a return to the department, under oath, of compliance with
73 the foregoing requirements, in such form as the department may
74 determine, but the department may require any additional proof of
75 such compliance. Upon receipt of evidence of such compliance, the
76 department may hold a hearing as to the suitability of the proposed
77 location. The provisions of this subdivision shall not apply to
78 applications for airline permits, charitable organization permits,
79 temporary permits, special club permits, concession permits, military
80 permits, railroad permits, boat permits, warehouse permits, brokers'
81 permits, out-of-state shippers' permits for alcoholic liquor and out-of-
82 state shippers' permits for beer, coliseum permits, coliseum concession

83 permits, special sporting facility restaurant permits, special sporting
84 facility employee recreational permits, special sporting facility guest
85 permits, special sporting facility concession permits, special sporting
86 facility bar permits, nonprofit golf tournament permits, nonprofit
87 public television permits and renewals. The provisions of this
88 subdivision regarding publication and placard display shall also be
89 required of any applicant who seeks to amend the type of
90 entertainment upon filing of a renewal application.

91 (4) In any case in which a permit has been issued to a partnership, if
92 one or more of the partners dies or retires, the remaining partner or
93 partners need not file a new application for the unexpired portion of
94 the current permit, and no additional fee for such unexpired portion
95 shall be required. Notice of any such change shall be given to the
96 department and the permit shall be endorsed to show correct
97 ownership. When any partnership changes by reason of the addition of
98 one or more persons, a new application with new fees shall be
99 required.

100 (c) Any ten persons who are at least eighteen years of age, and are
101 residents of the town within which the business for which the permit
102 or renewal thereof has been applied for, is intended to be operated, or,
103 in the case of a manufacturer's or a wholesaler's permit, any ten
104 persons who are at least eighteen years of age and are residents of the
105 state, may file with the department, within three weeks from the last
106 date of publication of notice made pursuant to subdivision (3) of
107 subsection (b) of this section for an initial permit, and in the case of
108 renewal of an existing permit, at least twenty-one days before the
109 renewal date of such permit, a remonstrance containing any objection
110 to the suitability of such applicant or proposed place of business. Upon
111 the filing of such remonstrance, the department, upon written
112 application, shall hold a hearing and shall give such notice as it deems
113 reasonable of the time and place at least five days before such hearing
114 is had. The remonstrants shall designate one or more agents for
115 service, who shall serve as the recipient or recipients of all notices

116 issued by the department. At any time prior to the issuance of a
117 decision by the department, a remonstrance may be withdrawn by the
118 remonstrants or by such agent or agents acting on behalf of such
119 remonstrants and the department may cancel the hearing or withdraw
120 the case. The decision of the department on such application shall be
121 final with respect to the remonstrance.

122 (d) No new permit shall be issued until the foregoing provisions of
123 subsections (a) and (b) of this section have been complied with. Six
124 months' or seasonal permits may be renewed, provided the renewal
125 application and fee shall be filed at least twenty-one days before the
126 reopening of the business, there is no change in the permittee,
127 ownership or type of permit, and the permittee or backer did not
128 receive a rebate of the permit fee with respect to the permit issued for
129 the previous year.

130 (e) The department may renew a permit that has expired if the
131 applicant pays to the department a nonrefundable late fee pursuant to
132 subsection (c) of section 21a-4, which fee shall be in addition to the fees
133 prescribed in this chapter for the permit applied for. The provisions of
134 this subsection shall not apply to one-day permits, to any permit which
135 is the subject of administrative or court proceedings, or where
136 otherwise provided by law.

137 (f) Any applicant or permittee applying for issuance or renewal of a
138 (1) hotel permit under section 30-21, (2) restaurant permit under
139 section 30-22, (3) cafe permit under section 30-22a, (4) club permit
140 under section 30-23, (5) tavern permit under section 30-26, (6) bowling
141 establishment permit or racquetball facility permit under section 30-
142 37c, or (7) casino permit under section 30-37k, shall provide the
143 Department of Consumer Protection with a copy of a current insurance
144 policy or endorsement issued by a company licensed to do business in
145 this state, verifying that the applicant or permittee has liquor liability
146 insurance and general liability insurance. The department shall not
147 issue or renew the permits specified in this subsection if such

148 insurance coverage has not been verified.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2010	30-39
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Statement of Purpose:

To require liquor liability insurance and general liability insurance for certain classes of permits issued by the Department of Consumer Protection.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]